



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Federal Contracting Corporation--Request
for Reconsideration
File: B-224064.2
Date: November 3, 1986

DIGEST

Request for reconsideration is dismissed where protester largely reiterates arguments earlier made in opposition to the proposed dismissal of its protest for failure to provide a copy of the protest to the contracting officer, and where protester does not convincingly show an error of law or fact warranting reversal of original decision.

DECISION

Federal Contracting Corporation (FCC) requests that we reconsider our dismissal of its protest concerning the cancellation of request for proposals (RFP) No. DTCG29-86-R-03515, issued by the United States Coast Guard, Eighth District, New Orleans. We dismissed the protest because the protester failed to establish that it had furnished the Coast Guard's contracting officer with a copy of the protest filed with our Office, as required by our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1986). Federal Contracting Corp., B-224064, Oct. 10, 1986, 66 Comp. Gen. ___, 86-2 C.P.D. ___.

The request for reconsideration is dismissed.


In our prior decision, we indicated that when a report responsive to the protest was not received by us when due, it was discovered upon inquiry that the Department of Transportation (to which, as the cognizant federal agency, our telephonic notification of the filing of the protest had been given) had failed to notify the Coast Guard of the protest. The Coast Guard stated that it was unaware of the protest and, therefore, had not prepared a report because copies of the protest allegedly sent by the protester to the Eighth District in New Orleans and to the Commandant's office in Washington, D.C., had not been received. The protester conceded that it could not provide any evidence to establish that the Coast Guard did, in fact, receive a copy of the protest.

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In dismissing the protest because of the protester's failure to provide a copy of its protest to the Eighth District, which had the responsibility for preparing a report, we recognized that our Bid Protest Regulations do not explicitly require that the protester provide a copy to the contracting agency by certified mail. We pointed out, however, that it was a protester's responsibility under our regulations to assure "receipt" by the contracting agency, however effected, of a copy of the protest within 1 day of its filing with our Office. Failure to do so impedes the contracting agency's ability to file a report with our Office within the time required by statute and frustrates our efforts to consider expeditiously all objections to agency procurement actions.

In its request for reconsideration, FCC acknowledges that it cannot produce evidence of receipt by the contracting officer of a copy of its protest; notes that our Bid Protest Regulations do not explicitly require protesters to obtain such evidence; suggests that the primary cause of the Coast Guard's inability to respond with a timely report was miscommunication within the Department of Transportation, for which the protester should not be held accountable; and reviews its grounds for protest, which it asserts raise issues which should be addressed.

The protester's arguments on reconsideration are ones it did make, or could have made, prior to our earlier decision. It has brought forth no new facts nor shown that our recitation of the facts was in error. It has presented no argument concerning the propriety of a dismissal under these circumstances which was not considered prior to our initial decision. Since FCC has not convincingly shown an error of either fact or law in our earlier decision, see Department of Labor--Reconsideration, B-214564.2, Jan. 3, 1985, 85-1 C.P.D. ¶ 13, the request for reconsideration is dismissed.

for 
Harry R. Van Cleve
General Counsel